

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

MDL 2724  
16-MD-2724

THIS DOCUMENT RELATES TO:

*Molina Healthcare, Inc. v. Actavis Elizabeth, LLC,  
et al.*

HON. CYNTHIA M. RUGE

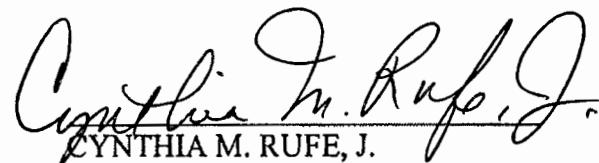
Individual Case No. 2:20-cv-00695-  
CMR

**ORDER**

AND NOW, this 13<sup>th</sup> day of Feb., 2020, upon consideration of the attached Joint Stipulation to Waive Service and Extend the Deadline for Defendants to Respond to Plaintiff Molina Healthcare, Inc.'s December 27, 2019 Complaint, it is hereby ORDERED that the Stipulation is APPROVED.

It is so ORDERED.

BY THE COURT:



CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

**MDL 2724  
16-MD-2724**

THIS DOCUMENT RELATES TO:

*Molina Healthcare, Inc. v. Actavis Elizabeth, LLC,  
et al.*

**HON. CYNTHIA M. RUGE**

**Individual Case No. 2:20-cv-00695-  
CMR**

**JOINT STIPULATION TO WAIVE SERVICE AND EXTEND THE  
DEADLINE FOR DEFENDANTS TO RESPOND TO PLAINTIFF  
MOLINA HEALTHCARE, INC.'S DECEMBER 27, 2019 COMPLAINT**

WHEREAS, Plaintiff, Molina Healthcare, Inc. ("Molina") filed a Complaint on December 27, 2019 in the Northern District of California entitled, *Molina Healthcare, Inc. v. Actavis Elizabeth, LLC, et al.*, No. 3:19-cv-08438 ("Molina's December 27, 2019 Complaint"), which was transferred on February 5, 2020 by the United States Judicial Panel on Multidistrict Litigation to the Eastern District of Pennsylvania, assigned Case No. 2:20-cv-00695-CMR, and centralized for pretrial proceedings as part of *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 16-md-2724-CMR, MDL No. 2724;

WHEREAS, Molina's December 27, 2019 Complaint is based, in part, on substantially similar facts and allegations as those raised against certain Defendants in the complaint filed by Plaintiff States on May 10, 2019 in *State of Connecticut et al. v. Teva Pharmaceuticals USA, Inc.* (the "Plaintiff States' May 10, 2019 Complaint"), Case No. 19-cv-2407-CMR, which has also been centralized for pretrial proceedings as part of MDL 2724;

WHEREAS, in an Order dated July 25, 2019, the Court adjourned responsive pleadings and/or motions to the Plaintiff States' May 10, 2019 Complaint until such time as the Court

123456789

12:07:14 p m 02-11-2020

4 / 7

enters an order setting a schedule for responses to that complaint (see MDL Doc. No. 1058, approving stipulation);

WHEREAS, the parties agree that responses to the pleadings in this action should be accomplished efficiently and in consideration of the Court's existing MDL scheduling orders;

WHEREAS, Defendants Actavis Elizabeth, LLC; Actavis Holdco US, Inc.; Actavis Pharma, Inc.; Akorn, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Corp.; Ascend Laboratories, LLC; Aurobindo Pharma USA, Inc.; Breckenridge Pharmaceutical, Inc.; Camber Pharmaceuticals, Inc., Citron Pharma, LLC; Dr. Reddy's Laboratories Inc.; Emcure Pharmaceuticals, Ltd.; Epic Pharma, LLC; Fougera Pharmaceuticals Inc.; Generics Bidco I, LLC; Glenmark Pharmaceuticals Inc., USA; Greenstone LLC; G&W Laboratories, Inc.; Heritage Pharmaceuticals Inc.; Hi-Tech Pharmacal Co., Inc.; Impax Pharmaceuticals, LLC f/k/a Impax Pharmaceuticals, Inc.; Lannett Company, Inc.; Lupin Pharmaceuticals, Inc.; Mayne Pharma, Inc.; Morton Grove Pharmaceuticals, Inc.; Mylan, Inc.; Mylan, N.V.; Mylan Pharmaceuticals, Inc.; Oceanside Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; Perrigo Company Plc; Perrigo New York, Inc.; Pfizer, Inc.; Sandoz, Inc., Sun Pharmaceutical Industries, Inc.; Taro Pharmaceuticals Industries Ltd.; Taro Pharmaceuticals USA, Inc.; Teligent, Inc.; Teva Pharmaceuticals USA, Inc.; UDL Laboratories Inc.; Upsher-Smith Laboratories, LLC; Valeant Pharmaceuticals International; Valeant Pharmaceuticals North America LLC; VersaPharm, Inc.; West-Ward Pharmaceuticals Corp.; Wockhardt USA LLC; Zydus Pharmaceuticals (USA) Inc. (collectively "Stipulating Defendants") have agreed to waive service of Molina's December 27, 2019 Complaint and the parties have reached an agreement to extend the time within which the Stipulating Defendants must move against, answer, or otherwise respond to Molina's December 27, 2019 Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. The Stipulating Defendants waive service of Molina's December 27, 2019 Complaint and Summons pursuant to Federal Rule of Civil Procedure 4(d), and this Stipulation shall be deemed proof of that waiver pursuant to Federal Rule of Civil Procedure 4(d)(4).

2. The deadline for the Stipulating Defendants to move against, answer, or otherwise respond to Molina's December 27, 2019 Complaint is ADJOURNED until such time as the Court orders for the filing of response(s) to complaints that were filed on or after May 10, 2019.

3. This stipulation does not constitute a waiver by the Stipulating Defendants of any defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure 12, except that the Stipulating Defendants do not contest personal jurisdiction.

IT IS SO STIPULATED.

Dated: February 11, 2020

**LOWEY DANNENBERG, P.C.**

By: /s/ Peter D. St. Phillip  
Peter D. St. Phillip, PA ID # 70027  
Jennifer Risener (*pro hac vice*)  
Lee Yun Kim (*pro hac vice*)  
44 South Broadway, Suite 1100  
White Plains, New York 10601  
Tel: 914-997-0500  
PStPhillip@lowey.com  
JRisener@lowey.com  
LKKim@lowey.com

**LOWEY DANNENBERG, P.C.**

Laura K. Mummert, PA ID # 85964  
200 Barr Harbor Drive, Suite 400  
West Conshohocken, Pennsylvania 19428  
Tel: 215-399-4785  
LMummert@lowey.com

**SCHNEIDER WALLACE COTTRELL  
KONECKY WOTKYNS LLP**

**PEPPER HAMILTON LLP**

/s/ Jan P. Levine  
Jan P. Levine  
3000 Two Logan Square  
Eighteenth & Arch Streets  
Philadelphia, PA 19103-2799  
Tel: (215) 981-4000  
Fax: (215) 981-4750  
levinej@pepperlaw.com

**KASOWITZ BENSON TORRES LLP**

/s/ Sheron Korpus  
Sheron Korpus  
1633 Broadway  
New York, New York 10019  
Tel: (212) 506-1700  
Fax: (212) 506-1800  
skorpus@kasowitz.com

**ARNOLD & PORTER KAYE SCHOLER  
LLP**

Todd Schneider (*pro hac vice*)  
Jason Kim (*pro hac vice*)  
Kyle Bates (*pro hac vice*)  
2000 Powell Street, Suite 1400  
Emeryville, California 94608  
Tel.: 415-421-7100  
tschneider@schneiderwallace.com  
jkim@schneiderwallace.com  
kbates@schneiderwallace.com

*Counsel for Molina Healthcare, Inc.*

/s/ Saul P. Morgenstern  
Saul P. Morgenstern  
250 W. 55th Street  
New York, NY 10019  
Tel: (212) 836-8000  
Fax: (212) 836-8689  
saul.morgenstern@apks.com

**ARNOLD & PORTER KAYE SCHOLER LLP**

/s/ Laura S. Shores

Laura S. Shores  
601 Massachusetts Avenue, NW  
Washington, DC 20001  
Tel: (202) 942-5000  
Fax: (202) 942-5999  
laura.shores@apks.com

**WILSON SONSINI GOODRICH & ROSATI**

/s/ Chul Pak

Chul Pak  
Professional Corporation  
1301 Avenue of the Americas, 40th Fl.  
New York, NY 10019  
Tel: (212) 999-5800  
Fax: (212) 999-5899  
cpak@wsgr.com

*Defendants' Liaison Counsel*